

MINUTES

THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI July 28, 2015

INTRODUCTORY

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on July 28, 2015, at 7:00 p.m. Mayor Best called the meeting to order with the "Pledge of Allegiance" and Ted Martin gave the invocation.

ROLL CALL

City Clerk Westfall called roll: Mayor Best presiding, Patrick Parnell, Rick Todd, Cris Bohinc, Rick Davis and Bob Simmons. Absent: Mike Booth.

Also present from the City were: City Administrator Bill Malinen, City Clerk Lisa Westfall, City Attorney William Duston, Public Works Director and City Engineer David Miller, IT Director Chad Forster, Assistant Police Chief Stan Dobbins, Parks and Recreation Director Cindy Shook, Utilities Director Mike Ray, Planning and Development Director Joel Hornickel, Finance Director Jamie Rouch, Fire Chief Ted Martin and Human Resources Director Jan Fischer.

EMPLOYEE OF THE MONTH

Jason Smith of the Police Department was unable to attend the meeting tonight and will be recognized at a later meeting.

PUBLIC COMMENT

Mayor Best began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

Bob Paulson, 106 Travis Trail, Branson, Missouri, introduced himself as an attorney who represents clients developing property along the Bee Creek sewer line. He commented there are several entities developing properties along the Bee Creek sewer line who have spent a lot of money on their projects. He stated this new development is very good for our local economy and he feels government officials should be asking these entities how they could better assist them. He stated, instead the City of Branson is choking out this growth by unnecessarily increasing the cost of each building along the Bee Creek sewer line by as much as \$30,000-\$40,000 by trying to apply City codes to areas outside the City's jurisdiction. He commented, the City is attempting to use the Bee Creek sewer to enforce City codes in the county, even though the City agreed not to do so. Mr. Paulson mentioned reading a legal opinion paid for by a previous administration that puts a City spin on the Amended Sewer Services and Exclusive Territorial Agreement dated October 23, 2006. He added, the opinion was written by a Springfield attorney who said it might be argued that County citizens along the Bee Creek sewer line waive their right to escape the annexation requirement by not building within nine months of the sewer line's completion. Mr. Paulson commented anything could be argued because little background is in order and said he is very familiar with this agreement due to reviewing the document on behalf of the Board of Aldermen

County and the Sewer District. He said changes were requested on behalf of the Taney County Commission and the Taney County Regional Sewer District Board and the agreement went back and forth between each party's attorneys until an imperfect agreement was reached. Mr. Paulson commented Branson originally wanted to control the development in the Bee Creek area by requiring annexation agreements before buildings were allowed to hook up to the sewer. The citizens of the Bee Creek basin, the Taney County Commission and the Taney County Regional Sewer District all disagreed with the City and many of the citizens in this area wouldn't have given easements had these changes not been made. He commented, this is why the original agreement's language proposed by the City was changed and is why the agreement clearly states connections would be allowed without an annexation agreement or any requirement to sign an agreement to annex. Mr. Paulson stated the agreement sets forth only one valid reason for a hookup which is lack of capacity and it mentions permits are only required by the County and Department of Natural Resources (DNR), not the City. He commented the City is attempting to go back on what it agreed to and the City seems to be discouraging development and exercising authority it doesn't have. He asked the City to keep its word in the agreement and stop discouraging economic development. He stated the benefits besides improving the City's image, would be to encourage economic development and reduce litigation costs. He added, this is very important to these developers and it's costing them a lot of extra money to develop. He stated when they bought the property they were told there weren't many requirements and only in the last few years it has changed as Branson is attempting to exercise powers it doesn't have. He urged the Board to keep its word under the agreement and encourage economic growth.

Del Haney, 125 Warehouse Drive, Branson, Missouri, introduced himself as the owner of Quality Built Construction and Trinity Flooring. He stated the bank contacted him last year regarding a foreclosure property at the end of Warehouse Drive and asked if he was interested in purchasing the property to build a new store. He stated he did purchase the property and when he got ready to build is when all the problems started and the City told him he needed a pre-annexation agreement, a fire hydrant and about 400 feet of 8" water main in order to have ample water flow to the required fire hydrant. He said the City's Fire Department wouldn't even be the ones to respond to an emergency; it would be the County. Mr. Haney mentioned meeting with the City Administrator who contacted a couple of attorneys who told him the City didn't have the legal right to require him to put in a fire hydrant. He stated he encountered several delays with the pre-annexation agreement and he spoke to the City Engineer to see if anything else was required and he was told there wasn't, but later he received a call from the Assistant City Engineer who told him he would need to meet several other requirements. Mr. Haney commented he is not going to do this, and is only doing a County permit as he cannot continue to delay since there is a \$40,000 building in route for which the footings and walls were poured today.

David Junge, 312 Jefferson Road, Branson, Missouri, introduced himself as a property owner in the Bee Creek area. He commented when all of the sewer agreements were coming together, people didn't want to annex into the City limits of Branson because they were concerned about regulations imposed on them pertaining to hunting on their property, burning leaves, cutting trees and signage requirements for businesses. He added, this concerned everyone and is why they bought property in the county. Mr. Junge stated he owns several developments in the Bee Creek area, a housing subdivision, a business park and mobile home park, and when he was asked to sign easements across his property he didn't want to do it because he didn't want to be in the City limits. He said a lot of people felt the same way which stalled the process so there was a meeting held that many Bee Creek area property owners attended and they were assured they would not be forced into annexation if they signed easements. Mr. Junge stated verbiage was also put in the agreement to assure property owners they would not be forced into annexation and he read from the agreement, saying "The City agrees that all sewer customers along the sewer line that are subject to this agreement will be allowed to connect to the subject sewer in this agreement without annexing their property into the City limits of Branson and without being required to sign any annexation agreement." Mr. Junge stated the agreement also talks about the district referring people who are building in this area to the City for review only and to let them know if there's capacity to hook on. He said the agreement also says property owners are supposed to obtain permits from the district and DNR. He said he doesn't know how the City came up with the idea of forcing property owners outside City limits to obtain permits. He added, had he known this, he wouldn't have deeded over two pieces of property for two separate lift stations to allow a sewer line to run through his property as there was no benefit to him. He asked the City to look at this agreement that was signed by the County Commission and Mayor and said the City doesn't have the right to do what it's doing. He added, if the City wants to annex the Bee Creek area, it needs to petition the residents.

CONSENT AGENDA

Mayor Best asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Best asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Hearing none, Mayor Best asked City Clerk Westfall to read the items on the Consent Agenda. City Clerk Westfall read the following Consent Agenda items by title.

Approval of Board of Aldermen Minutes:

- a) July 9, 2015 Study Session
- b) July 14, 2015 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Capital Improvements Committee meeting of September 11, 2014
- b) Human Resources Committee meeting of May 8, 2015
- c) Advisory Park Board meeting of June 16, 2015

BILL NO. 4765

Ord. No. 2015-0079

Approving Addendum No. 2 to the agreement with Delong Plumbing Two, Inc. pertaining to the HVAC maintenance and repairs at various city buildings.

Final Reading of Bill No. 4765, an ordinance approving Addendum No. 2 to the agreement with Delong Plumbing Two, Inc. pertaining to the HVAC maintenance and repairs at various city buildings and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried. Ordinance No. 2015-0079 was duly enacted.

BILL NO. 4766

Ord. No. 2015-0080

Approving an Intergovernmental Funding Agreement with Taney County for reimbursement to the City of Branson for construction costs of an 8 Inch Gravity Sewer Main to Lift Station No. 19.

Final Reading of Bill No. 4766, an ordinance approving an Intergovernmental Funding Agreement with Taney County for reimbursement to the City of Branson for construction costs of an 8 Inch Gravity Sewer Main to Lift Station No. 19 and authorizing the Mayor to execute the contract was read by title by City Clerk Westfall. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried. Ordinance No. 2015-0080 was duly enacted.

Mayor Best opened the floor for a motion to approve all items on the Consent Agenda. Alderman Todd moved to approve, seconded by Alderman Davis. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried.

REGULAR AGENDA

Report by Marc Mulherin about the Branson Convention Center Second Quarter 2015 Review.

A report about the Branson Convention Center Second Quarter 2015 Review was provided by Marc Mulherin, SMG's General Manager of the Branson Convention Center. Mayor Best asked for

anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion.

BILL NO. 4767

Approving the annexation of the property located at 189 Avondale Drive, Unit 8, Branson, Missouri.

Public Hearing and First Reading of Bill No. 4767, an ordinance approving the annexation of the property located at 189 Avondale Drive, Unit 8, Branson, Missouri, was read by title by City Clerk Westfall and a staff report was presented by Joel Hornickel. Mayor Best opened the public hearing and asked if anyone in the audience wished to speak in favor of or opposing this matter. Hearing none, Mayor Best closed the public hearing. Mayor Best asked for a motion approving Bill No. 4767. Alderman Davis moved to approve, seconded by Alderman Parnell. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. No discussion. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried.

BILL NO. 4768

Approving a Planned Development Amendment to the Woods Planned Development, PD 2000-001, to include the property located at 2280 Shepherd of the Hills Expressway, Branson, Missouri.

First Reading of Bill No. 4768, an ordinance approving a Planned Development Amendment to the Woods Planned Development, PD 2000-001, to include the property located at 2280 Shepherd of the Hills Expressway, Branson, Missouri, was read by title by City Clerk Westfall and a staff report was presented by Joel Hornickel. Mayor Best asked for a motion approving Bill No. 4768. Alderman Davis moved to approve, seconded by Alderman Simmons. Mayor Best asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Best asked for comments from the Board. Discussion. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried.

Cancelling and rescheduling of 2015 Board of Aldermen meetings.

Mayor Best stated the next item is the cancelling and rescheduling of 2015 Board of Aldermen meetings. Mayor Best asked for a motion to cancel the November 5th Study Session, December 17th Study Session and December 22nd Regular Meeting. Alderman Bohinc so moved, seconded by Alderman Parnell. Mayor Best asked for comments from the Board. No discussion. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried.

MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS

Alderman Simmons reported he attended an Advisory Park Board meeting in which there was discussion regarding the significant flood damage at Stockstill Park. He commented the committee noted it usually floods early spring, rather than the middle of the summer. Alderman Simmons stated Stockstill Park is out of commission for the remainder of the summer and the committee discussed redesign options to help minimize damage in the future. He said he felt it was a good meeting and the Board was excited about the discussion.

Alderman Bohinc expressed her appreciation for the Strategic Planning Retreat with the Board and Department Directors. She felt it was a very good meeting and is glad everyone is on the same page regarding the focus for the community. Alderman Bohinc reported since the Historic Downtown Branson Community Improvement District (CID) was approved for expansion last year by the downtown district, for the first time it had over 10,000 trolley riders in a month and last month there was about 10,700 trolley riders which keeps improving.

Alderman Todd mentioned attending a Human Resources Committee meeting in which the Health Insurance Broker bid was discussed. He inquired if someone was working on the Bee Creek Sewer topic that was mentioned during the Public Comments section of the meeting.

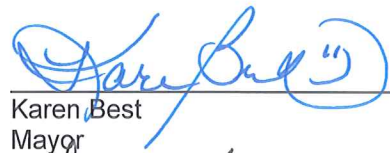
Alderman Parnell stated there have been ongoing negotiations with the Branson Christian Church located downtown as their cooperation and partnership with the City is essential to Phase II of the Historic Downtown Streetscape Project. He mentioned a contract has been drafted and is preceding nicely.

Administrator Malinen reported there was a meeting concerning the Historic Downtown Streetscape Project and it was an opportunity for the merchants, Aldermen and contractor to meet. He felt it was a positive meeting and the merchants had the opportunity to ask questions and better understand some of the challenges with the project. He added, hopefully it was encouraging to the merchants. Administrator Malinen stated Ballparks of America announced their groundbreaking which is exciting. He commented the Youth Baseball National Championship will be held at the RecPlex in August which is a big deal and a great start to fantastic youth sports in Branson. Administrator Malinen mentioned the Student and Youth Travel Association (SYTA) will be meeting in Branson. He added this is a very significant event and people have inquired about advertising SYTA with banners on light poles.

Mayor Best commented she attended some legislative committees, one of which was a brainstorming session regarding how to better convey messages to our state representatives and senators. She said she did an interview with KRZK regarding her first 90 days in office, attended the Human Resources Committee meeting and Budget and Finance Committee meeting. Mayor Best mentioned attending an event put on by the Voices of Glory and Ayo show in honor of first responders and she personally thanked all first responders for all they do on behalf of the City. She reported meeting with the Branson/Lakes Area Chamber of Commerce to come up with ideas regarding conventions and sports events to bring to Branson and she mentioned attending the Strategic Planning Retreat. She expressed her excitement about the Youth Baseball Network's Road to Branson National Championship and mentioned there will be an event in conjunction with this at the RecPlex on August 22nd in which there will be a lot of fun activities for kids. She reported Ballparks of America will be doing a media day on August 6th in Springfield regarding this baseball event and she provided the Board with an informational booklet. She stated Branson will also have an all-star team which is a big event for Branson.

ADJOURN

Mayor Best asked for a motion to adjourn. Alderman Bohinc moved to adjourn, seconded by Alderman Davis. Voting aye: Parnell, Todd, Bohinc, Davis and Simmons. Nays: None. Absent: Booth. Motion carried. Meeting adjourned at 8:15 p.m.


Karen Best
Mayor


Lisa Westfall
City Clerk